

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Leilani Rhodes	Team: Squad #16	CCRB Case #: 201806540	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/09/2018 7:03 PM	Location of Incident: 296 Darlington Avenue	Precinct: 123	18 Mo. SOL 2/9/2020	EO SOL 2/9/2020	
Date/Time CV Reported Fri, 08/10/2018 8:42 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 08/10/2018 8:42 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Victor Borg	02011	910571	123 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM James Wolfe	31784	942719	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Victor Borg	Abuse: Police Officer Victor Borg refused to provide his shield number to § 87(2)(b)	

Case Summary

§ 87(2)(b) called the IAB Command Center on August 9, 2018, generating log number 2018-31172. She filed a duplicate complaint with the CCRB via the online-website on August 10, 2018.

On August 9, 2018, at approximately 7:03 PM, PO Victor Borg of the 123rd Precinct refused to provide his shield number to § 87(2)(b) in the vicinity of 296 Darlington Avenue in Staten Island. (**Allegation A: Abuse of Authority**, § 87(2)(g))

Body Worn Camera footage was received from IAB on August 17, 2018; however the videos do not depict any FADOs.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Victor Borg refused to provide his shield number to § 87(2)(b)

It is undisputed that § 87(2)(b) approached the police vehicle to inform PO Borg and PO Wolfe that someone had threatened to shoot her.

§ 87(2)(b) alleged that she was walking her dog in front of 196 Darlington Avenue in Staten Island when a girl standing near a grass area close to the street blocked her from walking any further. A man that seemed to be the girl's father then told § 87(2)(b) "I'm gonna shoot you if your dog comes anywhere near my daughter or myself." § 87(2)(b) called 911 two times. PO Borg and PO Wolfe arrived about 35 minutes after § 87(2)(b)'s initial 911 call. The officers did not exit their vehicle while on scene. PO Borg told § 87(2)(b) that they were not going to arrest the man that threatened her and that filing a police report would not make a difference. After § 87(2)(b) insisted that the officers take a report, PO Wolfe took out a "pad" and wrote § 87(2)(b)'s name and date of birth. PO Borg then began to drive off without giving § 87(2)(b) any closure regarding her complaint. § 87(2)(b) asked PO Borg for his name and shield number as he was pulling off, and he yelled out "Bore" while almost colliding with another car (Board Review 01).

PO Borg and PO Wolfe both testified that, upon arriving at the incident location, § 87(2)(b) approached the police vehicle and informed them that a man had threatened to shoot her. Both officers confirmed that a police report was taken and that at some point § 87(2)(b) requested a supervisor. PO Borg said that § 87(2)(b) did not request his name or shield number, and if she had, he would have stopped the vehicle and provided it to her (Board Review 02). PO Wolfe said that he did not recall if § 87(2)(b) ever made a request for PO Borg's name or shield number. (Board Review 03).

An officer should courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests them to do so. They should also allow the person ample time to note this information. NYPD Patrol Guide, 203-09 (Board Review 06).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
- As of August 29, 2018, § 87(2)(b) has not filed a Notice of Claim against the City of New York (Board Review 05).

Civilian and Officer CCRB Histories

- § 87(2)(b) has four prior complaints, none of which were duplicates of this complaint.
- PO Borg has been a member of the NYPD for 28 years. PO Borg has been the subject of 14 prior allegations stemming from 20 cases. There have been no substantiated allegations against PO Borg, § 87(2)(g)
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date